

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:  
Maya Dgana

Case No.: 15-23661  
Judge: Papalia  
Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Original         | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required         | <input type="checkbox"/> No Discharge Sought         |

Date: 12/16/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 130.00 per month to the Chapter 13 Trustee, starting on January 1, 2017 for approximately 19 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☒ Sale of real property

Description: 1317 79th Street, North Bergen, NJ 07047

Proposed date for completion: 06/01/2017

☐ Refinance of real property:

Description:

Proposed date for completion:

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion:

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ 2,115.67 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Bank of America (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor                  | Type of Priority      | Amount to be Paid |
|---------------------------|-----------------------|-------------------|
| Marie Ann Greenberg       | Trustee Commissions   | \$466.67          |
| Nicholas Fitzgerald, Esq. | Debtor's Counsel Fees | \$1,000.00        |
|                           |                       |                   |
|                           |                       |                   |

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor        | Collateral or Type of Debt | Arrearage    | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan)                        |
|-----------------|----------------------------|--------------|----------------------------|---|---|
| Bank of America | Mortgage                   | \$206,117.51 |                            | \$0.00                                  | \$2,155.00 - to be paid pending a short sale of the property. |

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
|          |            |                |                        |                |  |                      |                         |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
|          |                              |                                 |                          |

|  |                                   |  |                   |
|--|-----------------------------------|--|-------------------|
| <b>d. Secured Claims Unaffected by the Plan</b><br>The following secured claims are unaffected by the Plan:  |                                   |  |                   |
| <b>e. Secured Claims to be Paid in Full Through the Plan:</b>  |                                   |  |                   |
| Creditor   | Collateral                        | Total Amount to be Paid Through the Plan |                   |
|  |                                   |  |                   |
| <b>Part 5: Unsecured Claims</b>  |                                   |  |                   |
| <b>a. Not separately classified</b> allowed non-priority unsecured claims shall be paid:<br><input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i><br><input type="checkbox"/> Not less than _____ percent<br><input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds |                                   |  |                   |
| <b>b. Separately classified unsecured claims</b> shall be treated as follows:  |                                   |  |                   |
| Creditor   | Basis For Separate Classification | Treatment                                | Amount to be Paid |
|  |                                   |  |                   |
| <b>Part 6: Executory Contracts and Unexpired Leases</b>  |                                   |  |                   |
| All executory contracts and unexpired leases are rejected, except the following, which are assumed:  |                                   |  |                   |
| Creditor   | Nature of Contract or Lease       | Treatment by Debtor                      |                   |
|  |                                   |  |                   |

**Part 7: Motions**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
|          |                      |              |                |                     |                             |   |                              |

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|----------|------------|-----------------------------------|
|          |            |                                   |

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|-----------------------------|--|
|          |            |                             |  |

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

☒ Upon confirmation

☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority/Administrative Claims
- 3) Secured Claim
- 4) Unsecured claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 09/08/2015


|   |   |
|---|---|
| <p>Explain below <b>why</b> the plan is being modified:</p> <p>The Debtor is pursuing a short sale of the property.</p> | <p>Explain below <b>how</b> the plan is being modified:</p> <p>The Debtor is going to attempt to sell the property.</p> |
|---|---|

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 12/16/16

  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 12/16/16

  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Maya Dgana  
 Debtor

Case No. 15-23661-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 16

Date Rcvd: Dec 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2016.

db +Maya Dgana, 1317 79th Street, North Bergen, NJ 07047-4145  
 cr ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
 (address filed with court: AmeriCredit Financial Services, PO Box 201347,  
 Arlington, TX 76006)  
 cr +BANK OF AMERICA N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 cr +Nationstar Mortgage LLC, RAS Citron, LLC, 130 Clinton Road, Suite 202,  
 Fairfield, NJ 07004-2927  
 515634811 +AT&T Mobile, PO Box 790047, Saint Louis, MO 63179-0047  
 515858483 BANK OF AMERICA N.A., BANK OF AMERICA N.A., P.O. BOX 31785, TAMPA, FL 33631-3785  
 515634812 +Bank of America, PO Box 5170, Simi Valley, CA 93062-5170  
 515634813 +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285  
 515734846 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 515634814 +Con Edison, 4 Irving Place, New York, NY 10003-3598  
 516015413 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage, LLC, PO Box 619096, Dallas, TX 75261-9741)  
 515634816 +Phelan Hallinan & Diamond PC, 400 Fellowship Road, Suite 100, Mount Laurel, NJ 08054-3437

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 19 2016 23:39:14 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Dec 19 2016 23:39:12 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 515634815 +E-mail/Text: bankruptcy@icsystem.com Dec 19 2016 23:39:45 IC Systems, Attn Bankruptcy,  
 444 Highway 96 East, PO Box 64378, Saint Paul, MN 55164-0378  
 515634817 +E-mail/Text: bankruptcy@icsystem.com Dec 19 2016 23:39:45 RCN, IC System,  
 444 Highway 96 East; PO Box 64378, St. Paul, MN 55164-0378

TOTAL: 4

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516015414\* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage, LLC, PO Box 619096, Dallas, TX 75261-9741,  
 Nationstar Mortgage, LLC, PO Box 619096, Dallas, TX 75261-9741)

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 21, 2016

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 17, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor NATIONSTAR MORTGAGE LLC dcarlon@kmlawgroup.com,  
 bkgroup@kmlawgroup.com  
 Denise E. Carlon on behalf of Creditor Nationstar Mortgage LLC dcarlon@kmlawgroup.com,  
 bkgroup@kmlawgroup.com  
 Hetal Patel on behalf of Debtor Maya Dgana nadiainancial@gmail.com, patel.fitzlaw@gmail.com  
 Jeanette F. Frankenberg on behalf of Creditor Nationstar Mortgage LLC cmecf@sternlav.com  
 John Philip Schneider on behalf of Creditor BANK OF AMERICA N.A. nj.bkecf@fedphe.com  
 Laura M. Egerman on behalf of Creditor Nationstar Mortgage LLC legerman@rasnj.com,  
 gshasa@rasnj.com, bmusarra@rasnj.com, bkyecf@rasflaw.com  
 Lauren Yassine on behalf of Debtor Maya Dgana laurenayassine.esq@gmail.com,  
 nickfitz.law@gmail.com



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 16

Date Rcvd: Dec 19, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Marie-Ann Greenberg magecf@magtrustee.com  
Nicholas Fitzgerald on behalf of Debtor Maya Dgana nickfitz.law@gmail.com  
Patrick O. Lacsina on behalf of Creditor Nationstar Mortgage LLC gshasa@rasnj.com,  
bmusarra@rasnj.com, bkyecf@rasflaw.com, legerman@rasnj.com  
Sarah J. Crouch on behalf of Debtor Maya Dgana Nickfitz.law@gmail.com,  
nadiafinancial@gmail.com

TOTAL: 11